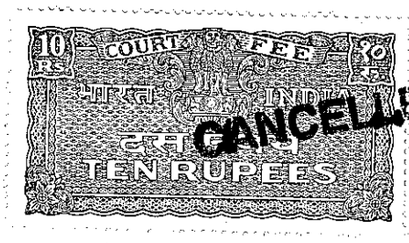

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATISGRAGH), BILASPUR.

SINGLE BENCH

Mis. Civil ~~Application~~ Case No. 117 /2005

PETITIONERS: 1. Smt. Sunita w/o Rajesh Sharma,
Aged about 21yrs, Occ: presently Nil,

2. Shri Satanarayan S/o Ramlakhan Sharma,
Aged about 54 yrs, Occ: Business,

3. Smt. FulkaliDevi W/o Satanaryan Sharma,
Aged about 52 yrs, Occ: Housewife,
All above resident of 37, Chawdhary Layout,
Third Bus Stop, Gopal Nagar, Nagpur.

//VERSUS//

RESPONDENT: Shri Rajesh s/o Gutham Sharma,
Aged about 22 yrs, Occ: Service, r/o 91/A,
H.A.C.L.Colony, Ruhabandha Sector, Bhilai
Dist. Durg.

P.R. No. 13891 Presented by Shri Kunal Tikuwal dated 1-2-05

Court, Nagpur

APPLICATION UNDER SECTION 22, 23 READ WITH SECTION 151 OF CODE OF CIVIL PROCEDURE, 1908.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक MCC 117/ सन् 2005

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21.03.2006

Shri GS Lahoti, Advocate with Shri Vivek Shrivastava, counsel for the petitioners.

Smt Meera Jaiswal, Counsel for the respondent.

Heard.

It is stated by both the parties that suit bearing No.43-A/2005 (Rajesh Sharma Vs smt Sunita Sharma & others) earlier pending in the Court of 7th Additional district Judge Durg is now, after establishment of Family Court Durg, is pending before that Court.

Petitioner No.1 - Smt. Sunita is the legally wedded wife of respondent Shri Rajesh Sharma. At present Smt. Sunita is staying at Nagpur who filed a petition under Section 13 of the Hindu Marriage Act (henceforth, "the Act") for decree of divorce against respondent before Family Court Nagpur. Thereafter respondent filed a petition under Section 9 of the Act against the petitioners for restitution of conjugal rights at Civil Court Durg.

The instant petition has been filed by the petitioners to transfer the petition filed by respondent under Section 9 of the Act against petitioners to Family Court Nagpur, pleading in convenience to attend the Court at Durg, financial hardship and to avoid multiplicity of proceedings and conflicting decisions of the Courts. Respondent opposed the same.

Taking into consideration the facts and circumstances of the case, without expressing any opinion on various allegations mentioned in the petition, to avoid conflicting decision, and in the interest of justice, I am of

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक MCC 1171 सन् 2005

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
padma	the opinion that the case pending before Family Court Durg should be transferred to Family Court, Nagpur. Petition filed by Rajesh Sharma under Section 9 of the Act against Smt. Sunita and others, earlier bearing case No.43-A/2005 pending before Family Court Durg is transferred to principal Judge, Family Court Nagpur. Both the parties to bear their own costs. In the light of above order, IA No.134/2006 for urgent hearing stands disposed of. Sd/- Vijay Kumar Shrivastava Judge	

[पीछे देखिये